

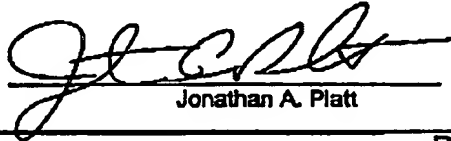
RECEIVED
CENTRAL FAX CENTER

MAR 01 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached, enclosed, or following) is being facsimile transmitted to the Patent and Trademark Office (703-872-9306) on the date shown below.

Date: March 1, 2005


Jonathan A. Platt

Attorney Docket No. E0877

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Applicants: Yatin Acharya et al.

Serial No.: 09/597,370

Filed: June 19, 2000

Title: METHOD OF TESTING A NETWORK DEVICE THROUGH A MEDIUM
INDEPENDENT INTERFACE (MII)

Examiner: Phuc H. Tran

Art Unit: 2666

REPLY TO OFFICE ACTION DATED OCTOBER 29, 2004Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

Further and favorable consideration of the above application is respectfully requested in view of the amendments presented in the following listing of claims, and in view of the following remarks.

This is essentially a re-submittal of the Reply filed November 30, 2004. It is being re-submitted to allow the Examiner to consider the matter of the premature nature of the final rejection, we was raised in the previously filed Reply, but was not addressed.

03/09/2005 TWITCHER 00000002 180900 09597370

01 FC:1251 120.00 DA

- 1 -

BEST AVAILABLE COPY

09/597,370

E0877

control information to perform operations in the network device; and placing the network device in a test mode prior to passing the control information to the network device. As discussed above with regard to claim 15, Sambamurthy does not teach or suggest passing control information to a PHY device. Bray also does not teach or suggest this. Therefore Sambamurthy does teach or suggest all of the features of claim 20 as amended, and claims 20 and 34-38 are patentable over Sambamurthy and Bray.

Conclusion

For at least the foregoing reasons, withdrawal of the rejections of the claims is respectfully requested, in which event this application would be in condition for allowance. Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

No fee should be due with the filing of this Reply. Although this Reply is filed after the issuance of an advisory action, the arguments made with regard to premature finality should have been considered earlier. Nonetheless, authorization is given to charge \$120.00 to Deposit Account No. 18-0988 (Charge No. AMDSP0353US), if considered necessary, for the consideration of this Reply. In the event any additional fees are due in connection with the filing of this paper, the Commissioner is authorized to charge those fees to Deposit Account No. 18-0988 (Charge No. AMDSP0353US).

Respectfully submitted,
RENNER, OTTO, BOISSELLE & SKLAR, LLP

By 
Jonathan A. Platt
Reg. No. 41,255

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113
(216) 621-6165 (fax)